

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DEMETRIA KALODIMOS)	
)	
v.)	NO. 3:18-1321
)	Campbell/Holmes
MEREDITH CORPORATION)	

ORDER

On October 23, 2019, Magistrate Judge Brown referred this case to the undersigned magistrate judge for a judicial settlement conference. The parties have now confirmed that all are available for the November 20 settlement conference, and it is therefore

ORDERED that a settlement conference is scheduled for **Wednesday, November 20, 2019, at 9:30 a.m.** A pre-settlement conference telephone conference is scheduled on **Monday, November 18, 2019, at 3:30 p.m.**, to be initiated by counsel for Defendant, and the deadline for submitting settlement conference statements is **3:00 p.m., Friday, November 15, 2019.** See below for full details. The parties shall comply with the directives in this order, and shall adhere to the following procedure for submitting their settlement conference statements.

- If they have not already done so, by no later than **November 8, 2019**, Plaintiff shall forward a settlement demand to Defendant, and by no later than **November 14, 2019**, Defendant shall forward a settlement offer to Plaintiff. The parties shall continue to engage in settlement discussions, as appropriate, thereafter.
- By no later than **3:00 p.m., Friday, November 15, 2019**, Plaintiff and Defendant shall deliver *under seal*, directly to Ms. Jeanne Cox, Courtroom Deputy, or Mr. Steve Wilson, or Mr. Will Woods, law clerks to the undersigned, *ex parte*, separate settlement conference statements which shall specify their respective settlement positions. The parties may hand deliver their statements to chambers, or, if the statement is no more than 20 pages long, they may fax them to 615-736-7070. If faxed, the Court does not need a hard copy. **No party shall e-file, or e-mail their statement to the Court.**

- Counsel for Defendant shall initiate a conference call with the Court and the other counsel in this case at **3:30 p.m, Monday, November 18, 2019**, to discuss any matters that the Court and/or the parties may have with regard to the conduct of the settlement conference. Each attorney who plans to participate in the conference call should provide his or her name and contact information to the attorney who is directed to initiate the call. If, after review of the settlement conference statements, the Court sees no need for the conference call, then it will be cancelled and counsel notified.
- Each settlement conference statement is to be furnished only to the Court and not to the other side. The statements shall not be filed with the Clerk of Court, which includes electronic filing, or left in the night depository.
- Each statement shall contain a summary of the facts in the case and the parties' respective views of the law as to the theory of liability or defense. This portion of the statement need not be as detailed as a pretrial brief, but any critical facts or legal authority upon which the party intends to rely should be provided.
- In their respective statements, counsel for Plaintiff and Defendant shall make a candid assessment of the strengths and weaknesses of both sides of the case and shall give a good faith opinion (which can be expressed as a percentage) of each client's probable success on the merits.
- Plaintiff's statement shall contain an assessment from Plaintiff's viewpoint of her damages and the strengths and weaknesses of her position.
- Defendant's statement shall contain an assessment of the Plaintiff's damages, Defendant's exposure to those damages, and the respective strengths and weaknesses of Defendant's position.
- Nothing in the way of a jury speech shall be contained in the settlement conference statements.
- Each statement shall contain a statement of the litigation costs to date (including attorney fees) and an assessment of the economic cost of proceeding to trial.
- Each settlement conference statement also shall contain a statement of counsel's best judgment as to the amount which should be paid or received by his or her client in a settlement of the case based on counsel's written evaluation and opinion and after a full discussion of the opinion with the client.

- Each statement shall include the maximum amount the Defendant is willing to pay and the minimum amount the Plaintiff is willing to accept,¹ and any other terms on which the client insists.
- Each statement shall recount, with specificity, the settlement discussions between the parties to date.
- Any documents upon which the party intends to rely should be provided with the statement. Unless the documents have already been provided in discovery or are subject to a claim of privilege or work product, the documents (but not the accompanying statement) should also be provided to opposing counsel.
- If Defendant intends to (or does) assert that its financial circumstances limit its ability to settle, Defendant shall provide documentation indicating its current financial condition.
- A settlement conference in this action shall be held on ***at 9:30 a.m. Wednesday, November 20, 2019,***² in Courtroom No. 764, U.S. Courthouse, 801 Broadway, Nashville.
- The Plaintiff and Defendant, by and through its representative, shall be **PRESENT** with **FULL SETTLEMENT AUTHORITY**. The parties are advised that **unless otherwise specifically ordered**, failure to be present with full settlement authority could result in imposition of sanctions pursuant to Rule 16(f) of the Federal Rules of Civil Procedure. For the purposes of this case, full settlement authority of Defendant is deemed to be up to the last demand made by Plaintiff. Full settlement authority also means that Plaintiff and Defendant present at the settlement conference do not need authority from any other individual to enter into any settlement agreement. Plaintiff and Defendant present at the settlement conference shall have total independent authority to enter into **any** settlement agreement.

It is so ORDERED.


 BARBARA D. HOLMES
 United States Magistrate Judge

¹ Essentially, the parties shall provide their “bottom line.” However, the parties should be prepared to negotiate further from these figures during the course of the settlement conference.

² The parties are advised that they should not schedule anything else on this date and to be prepared to spend the entire day in this settlement conference, if necessary.